



Indiana Court Times

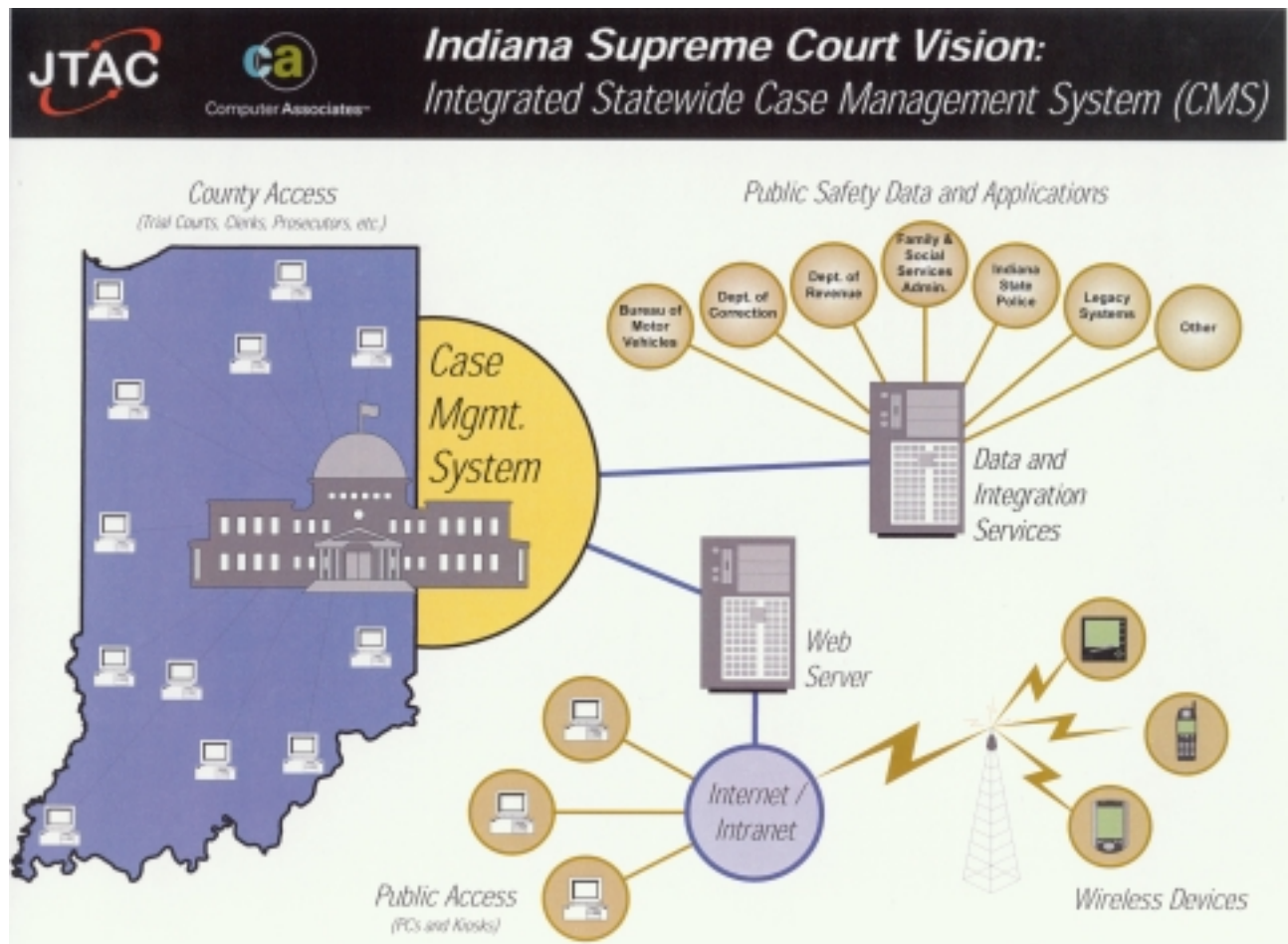
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High Court Purchases Case Management System for Indiana



After reviewing 35 proposals from around the globe, the Indiana Supreme Court Judicial Technology and Automation Committee unanimously recommended to the Indiana Supreme Court the selection of Computer Associates International, Inc. (CA) to provide the state of Indiana with a 21st century case management system (CMS).

Pursuant to that decision, on June 7, 2002, the Indiana Supreme Court Division of State Court Administration executed a contract with CA. On July 23, 2002, the Supreme Court held a press conference announcing this partnership and the first pilot project which will be implemented in Marion County. "The Indiana Judiciary, in partnership with state and county government leaders, began work today on a new statewide court computer project that dramatically will improve

service to Indiana citizens and assist our law enforcement officers in their work. I consider this to be the most important improvement in Indiana courts in over 30 years," Chief Justice Randall T. Shepard said. In addition to Marion County, two other counties, yet to be selected, will serve as test sites. As of this writing, over 40 counties have already expressed an interest in using the new case management system. A number of factors lead to the selection of Marion County as one of the first test sites.

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As the largest county, it generates about one-fifth of the workload of all Indiana courts. Implementing the new case management system in our largest and busiest court system allows us to test the CMS in the most complex environment and to move a substantial portion of the state's cases on the new system. Also, the Marion County Superior Court has been engaged in a major review of court operating procedures, termed a "process review," which should provide some valuable information for the design of the new system not available in any other county. Also helpful is the fact that Marion County employs a technical team that will assist CA and JTAC personnel in implementing the new system.

On August 26, the CA and JTAC project teams began an intensive learning process through numerous discovery sessions. The goal of this process is to customize the CA core case management system to meet Indiana's needs and practices. The discovery sessions are daylong meetings with groups of 10 to 15 representatives from all the prospective users and stakeholders. The user groups include clerks, judges, prosecutors, public defenders, court services (probation, pre-trial release, community corrections and drug and alcohol treatment personnel). This discovery process will conclude in mid December 2002. As of September 23, over 80 different people from 23 counties had already participated in the discovery sessions.

Interfaces with other state systems such as the Indiana State Police, Department of Revenue, Family Social Services Agency (ISETS), Department of Corrections, Bureau of Motor Vehicles, and ProsLink will also be explored during this discovery process.

The Supreme Court and JTAC believe that Indiana's courts should maintain court records in a statewide-computerized case management system that connects courts across county lines and connects courts with local and state entities that need and use court information. At the same time, the Supreme Court and JTAC recognize that many counties have acquired their own case management systems and may wish to continue using those systems for the foreseeable future. As a practical matter, it will take some time, perhaps three to five years, to install the CA system throughout the state. In order to provide guidance and opportunity for advance planning, the Supreme Court, on May 9, 2002, set a policy regarding the use of the new CMS. Under the Policy Statement, the Supreme Court would provide the new case management system, largely at state expense, to counties that request; counties that wish to maintain their existing systems at

their own expense will be able to do so for the foreseeable future. The Policy States as follows:

Indiana Supreme Court Policy Statement on Trial Court Case Management Systems

1. The Indiana Supreme Court believes that it is in the best interests of Indiana's citizens, trial courts, court clerks, law enforcement officials, and lawyers that all of Indiana's courts maintain their records in a statewide computerized case management system that connects courts across county lines and connects courts with local and state entities that need and use court information. Among other things, with such a system:

- (a) Citizens and lawyers will be able to check the status of their cases over the Internet.
- (b) A court will be able to transmit electronically an order suspending (or reinstating) a driver's license to the Bureau of Motor Vehicles immediately after making the ruling.
- (c) The state will be able to have an extremely accurate electronic registry of all domestic violence protective orders issued by Indiana courts.
- (d) A judge facing a criminal defendant in one county will be able to determine electronically whether there are charges pending against that defendant in any other county.
- (e) Judges, court clerks, prosecutors, lawyers, and their staffs will be able to process electronically countless transactions that now are performed by hand.

The Supreme Court acknowledges with appreciation that the Indiana General Assembly and the Governor share this vision and have authorized a court filing fee with the proceeds dedicated to the implementation of such a system. At the same time, the Supreme Court recognizes that many counties have acquired their own case management systems and may wish to continue using those systems for the foreseeable future. In order to derive the important public safety and administrative benefits of a statewide computerized case management system while recognizing the desire for local flexibility to the extent consistent with this vision, the Supreme Court hereby adopts the following policy on trial court case management systems.

2. The Supreme Court designates the computerized case management system known as Computer Associates International, Inc., Statewide Judicial Case Management Software System as the Indiana statewide trial court case management system, subject to the execution of a definitive agreement between Computer Associates

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International, Inc., and the Indiana Supreme Court Division of State Court Administration (Division). The Division will provide and install that system at the Division's expense in any county that so requests on the terms described in paragraph 3 below. However, no county will be required to install that system and may at its expense maintain its existing case management system, upgrade its existing system, or acquire and install a different system so long as it complies with the conditions described in paragraph 4 below.

3. Upon the request of a county's courts, in cooperation with other appropriate local officials, the Division will provide and install the statewide case management system in the requesting county. The installation of the statewide case management system will be subject to the terms and conditions of a memorandum of understanding between the Division and the county covering the relative responsibilities of the Division and the county for the installation of software and hardware and operation of the system. In general, the Supreme Court contemplates that the Division will be responsible for the cost of acquiring and installing the software in each county, for initial training in each county, for statewide system servers, for the communications network connecting the counties with each other and with state agencies, and for the ongoing costs of statewide systems' software licenses and maintenance. In general, the Supreme Court contemplates that counties will be asked to bear or at least share the cost of local servers, if any, desktop computers and related equipment, data conversion, and local technological support. However, these allocations of financial responsibility are general contemplations and likely will vary according to the state fiscal resources available for this project and from county to county based on local needs and conditions.

4. Any county that elects, at its expense, to upgrade

substantially an existing or acquire a new case management system other than the statewide case management system may do so only with the written permission of the Division. In general, the Supreme Court authorizes the Division to approve such an upgrade or acquisition if the Division is satisfied that the system being upgraded or acquired can be connected with the statewide case management system in a way that permits the secure sharing of information in both directions to a substantially similar extent as information is shared between counties within the statewide case management system. A condition of approval will be that an appropriate interface exists or will be provided at the requesting county's expense between the system being upgraded or acquired and the statewide case management system.

5. To further the sharing of court information, counties that elect to maintain their existing case management systems may be required by the Division to develop interfaces between their systems and the statewide case management system.

6. This policy also applies to city and town courts and to Marion County Small Claims Courts with such modifications as may be necessary given the nature of those courts.

7. The Supreme Court reserves the right to direct that a court or county install a case management system that has the communications and other features contemplated by this policy. However, barring exceptional circumstances, it will not direct any system be installed prior to July 1, 2006. No such direction will be given without at least two years' advance notice.

For further information, you may contact Kurt Snyder at the Division of State Court Administration, at 115 W Washington Street, Suite 1080, phone number (317) 232-2542, or e-mail at ksnyder@courts.state.in.us.

Appellate Practice Section Thanks Survey Participants

In the last issue of the Indiana Court Times, we asked you to respond to a survey sponsored by the State Bar Association's Appellate Practice Section. The survey sought feedback on the revised Rules of Appellate Procedure that went into effect January 1, 2001. The Section wants to thank the many trial court clerks and court reporters who took the time to respond. Those of you who included addresses will be getting individual thank you letters as well. Your recommendations and comments were the topic of initial discussions con-

ducted in September of 2002 among members of the Section leadership. The number and quality of responses were significant enough that the Section decided to form a committee to further review and analyze the many suggestions that were received. Ultimately, the committee will submit its recommendations for rule amendments to the Supreme Court Rules Committee for consideration in accordance with Trial Rule 80. Again, thanks to those of you who helped by submitting your comments.

Indiana Supreme Court Adopts Race & Gender Commission's Recommendation for Foreign Language Interpretive Services

The Indiana Supreme Court approved the start of a certification process for qualified court interpreters and has asked the Indiana General Assembly to help Indiana improve access to justice by helping courts use qualified foreign language interpreters.

The Indiana Court Interpreter Program is the result of an interim recommendation made to the Supreme Court by the Indiana Commission on Race and Gender Fairness. At the request of the Supreme Court, in 2000, the Indiana General Assembly funded the Indiana Supreme Court Commission on Race and Gender Fairness to investigate ways to improve race and gender fairness in the courts, legal system among legal service providers, state and local governments, and among public organizations.

As part of its research, the Commission conducted public hearings throughout Indiana during the summer of 2001. While citizens voiced numerous race and gender-related concerns at these hearings, the issue raised most frequently was the lack of a court interpreter system in Indiana. The Commission heard reports of fraudulent conduct by persons acting as interpreters, reliance upon friends and family members untrained in the law and not well educated in either language, in whose hands were entrusted the property and liberty interest of non-English speaking litigants who had to go to court. Of even greater concern were reports of police officers serving as interpreters in criminal court proceedings because of lack of funding for trained and qualified interpreters, despite their obvious conflict of interest.

The Commission's research indicates that Indiana is ill-prepared to deal with persons who do not speak English or have limited understanding of English, whether these persons appear in court as victims of crime, witnesses, civil litigants, or criminal defendants. Indiana has no centralized court interpreter system, but interpreters frequently are needed in the state trial courts.

Census figures show ethnic populations in Indiana have increased dramatically in the last decade, with the most significant increase occurring in the Hispanic/Latino population. Census figures show Indiana's Hispanic/Latino population grew from about 99,000 in 1990 to nearly 215,000 in 2000.

A survey conducted by the Indiana University Public Opinion Laboratory during the past year shows that about 90 percent of the responding courts had used

foreign language translators in their courtrooms during the past six months. The survey also showed some of those judges used interpreters more than 100 times during that six-month period. Eighty-five percent of the interpreters used by those judges translated between Spanish and English. Most compelling was the survey finding that thirty percent of the courts that responded had been unable to find an interpreter when one was needed.

The Supreme Court Commission on Race and Gender Fairness is not the first to call for competent court interpreters. The Indiana Commission on Hispanic/Latino Affairs previously recommended to Governor Frank O'Bannon the creation of a centralized system of expert interpretation in courtrooms for Hispanic/Latino individuals with limited English-speaking abilities.

As this need became evident in the course of the Commission's study, the Commission decided to make an interim recommendation to the Indiana Supreme Court to institute a statewide court interpreter system.

In response, the Supreme Court authorized the Executive Director of the Division to join the national State Court Interpreter Certification Consortium through the National Center for State Courts and to implement an Indiana court interpreter testing system for Spanish. At the time of this printing, the Division had just joined the consortium.

The Court also authorized the Division to provide qualified bilingual staff to administer the program and to assist the Supreme Court in recruiting members for an Advisory Board which will guide the program.

The Court also approved in principle the concept for a code of ethics for interpreters and the concept of setting specific certification standards for interpreters. The Court will look to the Advisory Board to assist the Court in developing these components.

In addition, the Court agreed with the Commission's assessment that a strong need exists for training and orientation of interpreters, judges and court staff. As

with many of the other Commission recommendations that have a fiscal impact, the Court decided to implement this recommendation to the extent that it could be accommodated by the existing judicial education structure.

The Court stopped short of mandating the use of certified interpreters and asked the Commission for further examination. In particular, the Court asked for a better understanding of how much is now paid for

interpreters, who bears this cost, if and how the cost would change if certified interpreters are mandated, and who would bear the increase.

Availability of competent interpreters is a fundamental factor in providing access to justice for all. The Indiana Supreme Court has taken a decisive step in assuring such access to non-English speaking people by approving the Commission's recommendations.

Pro Se Project Completes First Year

A project designed to help self-represented litigants navigate the court system has completed its first year of operation.

The Indiana Supreme Court initiated the Indiana Pro Se Project in early 2001 to improve the access to the justice to all litigants. The initial work was funded by a \$50,000 grant from the State Justice Institute in Alexandria, Virginia, and in-kind contributions from the Indiana Supreme Court. The Division of State Court Administration administers the project.

The Project was the result of an action plan developed by the Indiana state team that attended the National Conference on Pro Se Litigation held in Scottsdale, Arizona, held November 13 - 21, 1999. Team members included Judge David Coleman, Hendricks Superior Court No. 2, Judge Gregory Donat, Tippecanoe Superior Court No. 1, and Staci Terry, a Richmond attorney formerly with Indiana Legal Services, Inc.

The state team refined the action plan at the Justice Management Institute workshop, "Designing Effective Pro Se Litigation Programs," held May 22 - 24, 2000, in Minneapolis, Minnesota. The state team exchanged information with other states and viewed the Hennepin County court system pro se assistance program. The experience allowed the team to move beyond the conceptual nature of the original action plan and determine steps needed to create a statewide pro se initiative in Indiana.

With this plan in mind, the team approached the chief justice and requested the creation of an advisory committee. The Court approved the plan and assigned the project to the Division of State Court Administration. The Pro Se Advisory Committee consists of judges, county clerks, librarians, lawyers, and legal educators.

The first step was the creation and development of a Self-Service Legal Center Website to provide information to the self-represented. It averages over 80 "hits" per

day, and has ranked among the top five pages on the Indiana Judiciary Website two times.

The next step resulted in the development of nine court forms for use in seeking a continuance, a contempt citation, a fee waiver, a name change, a divorce without children, a visitation contempt citation, a child support modification, a reduction in child support obligation due to emancipation of a child, and a termination of child support obligation to due emancipation of the child. Each form is accompanied by instructions. Two of the court forms were translated into Spanish so that they could be used by Spanish-speakers seeking a divorce without children, or a continuance. These petitions have all-Spanish instructions, and the forms are in an English/Spanish format.

A third valuable product is a sixteen-page training manual entitled "Legal Advice Versus Legal Information, Do You Know the Difference?" that is to be used to assist court staff in answering questions from the public. Another helpful tool was the design and production of a colorful poster that explains how court staff can and cannot help a litigant by giving information but steps short of the prohibition against staff providing legal advice. This poster should replace the traditional notice sometimes seen posted on courtroom doors and windows that states "Court Staff Cannot Give Legal Advice."

For more information, contact Anthony Zapata, Division of State Court Administration, (317) 234-1872, azapata@courts.state.in.us. Web site: <http://www.in.gov/judiciary/selfservice/index.html>.

The program will continue with funding provided by the Indiana Supreme Court.

"Courts in the Classroom" Project Receives National Award



Courts in the Classroom, a special online project of the Indiana Supreme Court designed to teach Indiana's schoolchildren about the judicial system, was recently named a "Best of Breed" Program by the Center, for Digital Government.

Courts in the Classroom (www.IN.gov/judiciary/education) was launched in September 2001 featuring selected live webcasts of oral arguments heard before the Supreme and Appellate Courts. The site includes "Featured Cases," which are curriculum units based on specific cases that highlight aspects of the law that can be explored in the classroom.

These units include case briefs filed by both sides in the lawsuit, the webcast of the oral argument, information on the Court's action, and a set of associated lesson plans that track Indiana's new social studies standards.

The site also contains an introductory lesson on the structure of Indiana's courts, a glossary of legal terms, a list of relevant links to aid teachers and students in their understanding of the law, and an online help and troubleshooting guide.

To record the arguments heard in the Supreme Courtroom, video equipment was installed with meticulous care to preserve the historical ambiance of the 19th century courtroom.

"The webcast of oral arguments is an unprecedented use of technology in any Indiana courtroom. It stands to explain the judicial process on a broader scale and helps us educate our students about the law in a highly interactive way," said Chief Justice Shepard. "Our main goal in creating this project was education," said Chief Justice Randall T. Shepard. "To be recognized as the best of our breed so soon after the project began tells us that we are on the right track. I commend our staff, particularly Elizabeth Osborn and Lindsey Holloway, for their great work on this project."

The Center for Digital Government is a national research and advisory organization dedicated to providing resources for governments and industries in their efforts to implement new technologies (www.centerdigitalgov.com). This recognition was awarded to Courts in the Classroom based on the Center's 2002 Digital State Survey, Part 1: Social Service, Law Enforcement and the Courts. Indiana ranked 14th overall among the 50 states in the Law Enforcement and the Courts section of the survey.



Chief Justice Shepard Named to ABA Advisory Committee

Randall T. Shepard, Chief Justice of Indiana, has been appointed to the American Bar Association's Standing Committee on Ethics and Professional Responsibility Judges Advisory Committee.

He was appointed by Alfred P. Carlton, Jr., President of the American Bar Association. The one-year term began in August 2002. Chief Justice Shepard will be one of nine state and federal judges on the Advisory Committee.

The Standing Committee on Ethics and Professional Responsibility is charged with "expressing its opinion on proper professional or judicial conduct." The Judges

Advisory Committee, in existence since 1970, is an adjunct of the Standing Committee on Ethics.

Chief Justice Shepard has held several positions with the American Bar Association. He has served as chair of the Governing Council of the ABA Section of Legal Education and Admissions to the Bar and as chair of the ABA's Appellate Judges Conference.

Indiana Judicial Officials Called to Active Duty

Lt. Col. Christopher L. Burnham, an Indiana Air National Guard member, returned to Martinsville in June after completing 90 days with the United States Air Force at Tyndall Air Force Base, Fla.

Burnham served as one of more than 11,000 men and women in the Air National Guard and Air Force Reserve and who were called to active duty after Sept. 11. During his assignment, Burnham served as a legal advisor on the special staff of Maj. Gen. Larry Arnold, commander of Operation Noble Eagle Joint Air Forces, Continental United States NORAD Region (CONR) and 1st Air Force. The North American Aerospace Defense Command (NORAD) is the bi-national United States and Canadian organization charged with the missions of aerospace warning and control for North America. The CONR is operationally responsible for aerospace control of the continental United States—it ensures air sovereignty and air defense. As a legal advisor, Burnham provided legal advice to commanders of CONR and the Air Operations Center on a wide range of operational and



The Hon. Christopher L. Burnham

international law issues to assist U.S. and Canadian forces in carrying out the NORAD and Operation Noble Eagle mission of homeland defense.

In addition to those duties, he served as the CONR legal representative to the National Air Space Security Conference conducted by the U.S. Secret Service in Washington, D.C.

He was awarded the Air Force Commendation Medal by Air Force Major General Craig McKinley, the Joint Force Air and Space Component Commander for Operation NOBLE EAGLE, for his outstanding achievement and distinguished service while assigned as Staff Judge Advocate to the NORAD Center from February 1, 2002 to April 30, 2002.

Burnham resumed his duties and responsibilities in Morgan County, Indiana, as Judge of the Morgan Superior Court No. 2. in July.

The Hon. Rick Maughmer of Cass Superior Court 2 serves as a Lieutenant Colonel in the United States Air Force Reserve.

He was called to active duty on November 2, 2001, and since that time has been serving at Headquarters, Air Force Reserve Command, Robins Air Force Base, Georgia, as Chief, Requirements and Readiness Division, within the Security Forces Directorate. In that capacity, Lt Col Maughmer controls the deployment and re-deployment of the Air Force Reserve Command's 2,500 member security force, stationed throughout the world.



Lt. Col. Maughmer was called to active duty for a period of one year.

During his service, Senior Judge Garrett Palmer is presiding in the Cass Superior Court 2. Judge Maughmer assumed the bench in the Cass Superior Court 2 on January 1, 2001. Prior to that, he served as the prosecuting attorney of Cass County for 15 years.

Brian Bishop, the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court, serves as a Lieutenant in the Judge Advocate General's Corps, U.S. Army Reserve.

He was called to active duty September 18, 2001 and served through December 20, 2001. During that tour, he spent four weeks at Fort Lee, Virginia and the remaining time at Charlottesville, Virginia. Additionally, he spent April 2002 in Egypt and Morocco with a team of offi-

cials from the U.S. Department of State and past September in Macedonia to serve as a member of the team from the Organization for Security and Cooperation in Europe (OSCE).

Mr. Bishop was elected to the office of Clerk in 1998.

Information Management

Protective Order Website

Indiana's Civil Protective Order Act became effective July 1, 2002. The Division of State Court Administration, in cooperation of the Protective Order Committee of the Judicial Conference of Indiana, has drafted a comprehensive set of forms to be used under the new act.

The forms are available at the following website:
www.in.gov/judiciary/forms/po.html.

The forms are approved by the Protective Order Committee and the Division of State Court Administration. They fall into three categories: (1) protective orders, (2) no-contact orders, and (3) workplace violence restraining orders. Most forms are available in both Word and PDF formats.

In addition to the forms, the website includes the following:

- (1) An e-mail link to send comments to the Protective Order Committee;
- (2) a link to the Civil Protective Order Act signed by the governor (HEA 1232 or Public Law 133-2002);
- (3) legislative information about the act;
- (4) a link to the statute proposed by the Protective Order Committee, with commentary;

- (5) a summary of the new act;
- (6) a flow chart for the new act;
- (7) a list of frequently asked questions. New questions and answers will be posted as the committee addresses them;
- (8) a list of sections of the new law that have special relevance to clerks of the circuit courts.
- (9) a revision table for the protective, no-contact, and workplace violence restraining orders that notes the creation date and revision date(if they have been revised) of all the forms; and
- (10) instructions on how to save the forms to hard drive or disk.

The Protective Order Committee plans to make more additions and changes to the website as warranted to keep the website as current as possible.

Center for Community Corrections

Publication targets community supervision issues

The Center for Community Corrections, a Washington, D.C. nonprofit agency dedicated to promoting community-based sentencing options, has announced the availability of several publications concerned with effective services for offenders subject to community



supervision. The publications are free upon request.

To obtain more information, contact Mary K. Shilton, Project Co-Director, Center for Community Corrections, 1615 L Street, Washington, D.C. 20026; 202-778-0770.

Qualifications/Nominating Commission Issues Report

The Indiana Commission on Judicial Qualifications and the Judicial Nominating Commission, each established by the Indiana Constitution, and staffed by the Division of State Court Administration, has released a report of its activities for fiscal year 2001-2002.

Indiana Judicial Qualifications Commission

While the Qualifications Commission's main function is to investigate allegations of judicial misconduct, including alleged misconduct by judicial candidates and attorneys serving as judicial officers, the Commission also provides guidance to judges and candidates about their obligations under the Code of Judicial Conduct. The Commission sometimes publishes advisory opinions, and, more frequently, gives advice informally by telephone or e-mail; in fiscal year 2001-2002, the Commission issued one formal advisory opinion, Advisory Opinion #3-01, concerning political endorsements by judicial officers, and the Commission's attorney fielded over 600 informal requests for advice.

In fiscal year 2001-2002, the Commission considered 241 complaints or allegations of violations of the Code. One hundred eighty-five complaints were dismissed as unfounded, as raising only issues for appeal, or otherwise as outside the Commission's purview. Nine complaints were dismissed without investigation, and the judges in those cases received private cautions. Those cautions were about delays (3), procedural errors (3), injudicious demeanor (2), and a failure to disqualify (1).

The Commission actively investigated 45 complaints, requiring the judges or candidates to respond in writing to the allegations. Of those, the Commission dismissed 16 after concluding no misconduct occurred. In 16 other cases, the Commission issued private cautions. The most commonly issued cautions related to *ex parte* contacts (4) and injudicious demeanor (4), followed by cautions about the appearance of impropriety (3), cautions about delays (2), a caution about unfair treatment of a lawyer (1), a caution about campaign misconduct (1), and a caution about procedural error (1). One complaint was dismissed pursuant to a settlement agreement with the judge in another case. Seven formal investigations were pending at the end of the fiscal year.

Two cases charged in the prior year were resolved in 2001-2002. In *In re Funke*, 757 N.E.2d 1013 (Ind. 2001), the judge and the Commission agreed to a 15-day suspension from office without pay based on the judge's failure to disqualify from a series of protective order cases in which relatives had interests, his *sua sponte* actions on behalf of litigants in those cases, and his practice of allowing the clerk's office to use his signature stamp on protective orders, which led to the appear-

ance that he issued a protective order on behalf of his father. In *In re Spencer*, 759 N.E.2d 1064 (Ind. 2001), the judge and the Commission agreed to a Public Reprimand in light of the judge's inappropriate campaign statements.

In re Kern, 47S00-0105-JD-226, proceeded to an evidentiary hearing in February, 2002. In April, the Masters, the Honorable Diana LaViolette, Presiding Master, Putnam Circuit Court, the Honorable Phillip I. Adler, Vigo Superior Court 2, and the Honorable K. Mark Loyd, Johnson Circuit Court, issued their report to the Supreme Court and recommended an unpaid suspension from office of up to 15 days, finding the judge improperly had issued a temporary child custody order and finding that some of the judge's statements during the investigation and trial were untrue. The Commission then filed a recommendation that the Court remove the judge from office and, in light of that recommendation, the Court suspended the judge with pay pending the Court's final decision. Subsequently, the Commission filed a new 5-count charge against the judge alleging the judge misled the County in seeking reimbursement of his attorney fees in the prior disciplinary case, misled the County and the Commission in justifying his request, submitted claims on behalf of employees for expenses already reimbursed by the Qualifications Commission, made a false statement to the Commission during its investigation, and continued to preside over cases, without disclosure, which cases involved creditors who filed claims in the judge's bankruptcy proceeding. (On August 22, 2002, the Supreme Court approved an agreement between the Commission and the judge calling for his resignation on August 31, 2002, his acknowledgment of misconduct in the first case as found by the Masters, and a prohibition against any future service in Indiana as a judge. The 5-count charge was dismissed as moot.)

The Commission filed two other formal charges in fiscal year 2001-2002. In *In re Morton*, 2002 WL 1454026, the Court approved a settlement agreement to a Public Reprimand based upon the judge's *ex parte* contact, his failure to disclose the contact, and his subsequent failure to disqualify. In another case, 45S00-0205-JD-281, the Commission filed charges alleging an improper *ex parte* Order. (The Court appointed Masters in this case on August 5, 2002. They are the Honorable Nancy E. Boyer, Presiding Master, Allen Superior Court; the Honorable Terry C. Shewmaker, Elkhart Circuit Court; and the Honorable Roland W. Chamblee, Jr., St. Joseph Superior Court.)

Indiana Judicial Nominating Commission

Pursuant to the Indiana Constitution, the Qualifications Commission members also serve as the Indiana Judicial Nominating Commission. The Nominating Commission appoints the Chief Justice of Indiana from among the five Supreme Court Justices. On December 11, 2001, the Commission se-

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lected the Honorable Randall T. Shepard to serve a fourth 5-year term as Chief Justice, beginning March 4, 2002.

The Nominating Commission also solicits and interviews candidates to fill vacancies on the Supreme Court, the Court of Appeals, and the Tax Court. The Nominating Commission selects three candidates for each vacancy, and the Governor appoints one of the nominees to fill the vacancy. (There were no vacancies in fiscal year 2001-2002.) Additionally, the Nominating Commission annually certifies former judges as Senior Judges to help qualifying Indiana courts with their caseloads. In fiscal year 2001-2002, the Commission recertified 87 Senior Judges, and certified 2 new Senior Judges. The Nominating Commission declined to certify one applicant for senior judge status.

The Chief Justice is the *ex officio* Chairman of the Nomi-

nating Commission and the Qualifications Commission. The Commissions also include three lawyers, elected by other lawyers in their districts, and three non-lawyers who are appointed by the Governor, all to three-year terms. Commission members serving in 2001-2002 were Theodore Lockyear, Esq., Evansville; Linda K. Henderson, Bedford; Karl Mulvaney, Esq., Indianapolis; John Bartlett, Indianapolis; Terrance Smith, Esq., Highland; and Ann Borne, Fort Wayne. Mr. Mulvaney and Ms. Henderson were succeeded in 2002 by Donald Ward, Esq., Indianapolis, and by Judy Johns Jackson, Columbus. The Commission met on eight occasions in 2001-2002.

Questions about this report, and questions about judicial ethics, may be directed to Meg Babcock, Counsel to the Commission, at (317) 232-4706, or at mbabcock@courts.state.in.us.

Ms. Harrell to Direct Judges and Lawyers Assistance Program

Terry L. Harrell named as the executive director of the Indiana Judges and Lawyers Assistance Program.

Ms. Harrell replaces the first full-time executive director of the Indiana Judges and Lawyers Assistance program, Susan Eisenhower. Ms. Eisenhower, who was appointed in November 1999, will be moving to Dayton, Ohio to join her husband who has accepted a position as the President and CEO of the United Way of the Dayton Area.

Ms. Harrell has been serving as clinical director of the Indiana Judges and Lawyers Assistance Program since July 2000. She assumed her new duties as executive director on October 14th.

"The Court is convinced that Ms. Harrell is well-suited to her new appointment. Her strong clinical background as well as her familiarity with the program's current operations will make for a smooth transition and enable her to build on the excellent work that Ms.

Eisenhower has begun," the Chief Justice said.

After earning a degree in psychology at DePauw University, Ms. Harrell earned her law degree from Indiana University School of Law at Bloomington and her master's degree in social work from the Indiana University School of Social Work at Indianapolis.

Her work experience includes several positions with Midtown Community Mental Health Center and as an attorney for Ice Miller Donadio And Ryan. She also worked as a law clerk for former Court of Appeals Judge William Garrard.

The Judges and Lawyers Assistance Program's goals are to assist impaired members of the Indiana bar in recovery; educating the bench and bar; and reducing the potential harm caused by impairment to the individual, the public, the profession, and the legal system.

Annual Judicial Conference Features 9-11 Remembrance

The annual meeting of the Judicial Conference of Indiana, held September 11-13 in Fort Wayne, Indiana, featured a 2-hour ceremony marking one year since the terrorist attacks on September 11, 2001.

The ceremony featured Congressman Mark Souder, Knox Superior Court 2 Judge Sherri Biddinger Gregg singing God Bless America (with piano accompaniment by Magistrate Tom Felts), and remarks by Fort Wayne Mayor Gram Richards and State Treasurer Tim Berry.

Additionally, several hundred 4th grade students from

local schools attended the ceremony upon the invitation of the Indiana Supreme Court.

Four-hundred six trial court and appellate judges and magistrates attended this year's conference, held at the Grand Wayne Center in downtown Fort Wayne. Indiana's Judicial Conference meets each September, with the main focus of the meeting continuing judicial education.

Allen County Fourth Graders Express Thanks for 9-11 Ceremony in Fort Wayne

Dozens of thank you notes from the school children who attended the "Still Standing, Still Strong" Ceremony at the Indiana Judicial Conference in Fort Wayne flooded the office of the Chief Justice Randall T. Shepard and expressed great delight in the opportunity to meet with the Indiana Judiciary. A few excerpts:

"The judge next to me was very nice and the other judge gave me his mints."

"I liked the candy. I liked to give the questions to the judge."

"The best part was when we got to ask the judges questions from our cards and eat candy."

"The Judicial Council was interesting. When I talked to a judge I thought it was cool because I never talked to one before."

"I learned stuff about judges and about America. I liked the mints."

"I liked the judge that I talked to because he is so nice."

"It was a real pleasure being there with the judges on a very special day, 9-11-02. I liked when we got to speak to the judges. It was a lot of fun. We got to learn about the judges and what their life was like."

"I liked the part when you got to ask the judges questions about stuff they do. My judge was very nice."

"I liked talking to the judges. I was nice to invite us. I hope that other fourth grade classes can go so they can have fun too!"

"Thank you for asking the judges to come so we can ask them questions. There was all kinds of judges."

"Thank you for letting us come on September 11, 2002 to see the judges and asking them questions. I liked the

part were we got to hear them sing."

"It was fun to meet the judges. I really enjoyed talking to the judges. It was interesting seeing members of the Indiana Supreme Court."

"I liked it when we talked to the judges."

"It was fun talking to the judge because he gave me his candy. It was blue. It was good. I wanted to get some more."

"I really liked to sit by the judges."

"I liked it when the judges came to sit by us."

"I liked when that cop was singing, and that judge was singing. I also liked when the judges were sitting by us."

"I liked it when people were singing. I liked it when we got to speak to the judges. I asked one of the judges what year did you become a judge and he said 1972."

"It was interesting to speak with the judges; that was my favorite part."

"I asked some questions. I met a judge. He was nice. I met the Mayor."

"I also liked speaking to the judges."

"I liked everything. I got answers from the judges."

"I also liked to talk and ask the judges questions."

"I really enjoyed to sing along with all the judges."

"I most liked it when the judges came

into the room and with a kid. I did not know how many judges there were in Indiana."

"I loved it when the judges came and the police officer sang."

"I liked it when the police man sang that song. Another thing I liked it when we got to ask the judges questions. I also liked it when the judges came in."

"I really enjoyed seeing all the judges. I also like the people that had drums. It was fun to stand up and wave our flags until the judges sat down. And we had a good time talking."

"Thank you for letting us come to the conference. My judge was nice. He was 36 years old! I had a fun time."

"I also liked the Chief Justice's talk. Then I enjoyed when I got to talk to my judge."

"I liked it when the policeman was singing. And I liked it when the judges came in the door."

"What I liked about it was the judge that I sat with."

"I met a judge from Evansville. It was neat to talk with him to learn about his work as a judge. I liked all of the music. It was neat. I thought it was neat that a judge and a sheriff could sing. I liked listening to Graham Richard, Tim Berry and Mark Souder. I liked Chief Justice Randall too."

"I had fun when we had our own judge."

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

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Please Circulate to Co-workers

This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.

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